Functioning of judicial system

2082. SHRI P. PRABHAKAR REDDY: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether Government's attention has been drawn to the news-item entitled, "Some rotten eggs in Judiciary: Soli" appearing in the Pioneer dated 19th December, 1999;

(b) if so, what is Government's reaction thereto; and

(c) the steps contemplated by Government to tone-up the functioning of the judicial system in the country?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI RAM JETHMALANI): (a) Yes. Sir.

(b) and (c) Under article 235 of the Constitution of India, the administrative control over the members of subordinate Judicial Service vests with the concerned High Court. Further, in exercise of powers conferred under proviso to article 309 read with articles 233 and 234 of the Constitution, the State Government frames rules and regulations in consultation with the High Court. The members of the Slate Judicial service arc governed by these rules and regulations.

The newsitem refers to the case of a Mumbai court judge accused of having links with mafia don. According to information received from the Registry, High Court (Appellate Side), Bombay, a case has been registered U/s 387 and 120B of the Indian Penal Code r/w Section 3(1)(ii) and (2) of the Maharashtra Control of Organised Crimes Act against one Additional Sessions Judge and he has been placed under suspension w.e.f. 29.4.1999.

The Government also proposes to set up a National Judicial Commission which will, *interalia,* draw up a code of ethics for the judiciary.

Disposal of election related cases

2083. SHRI RAMCHANDRA KHUNTIA: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) the number of election cases filed in different High Courts of the country during the last three years and the number of those out of the above which have already been disposed off; and

(b) whether there is any time limit for disposing the election cases?

THEMINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI RAM JETHMALANI): (a) The information is being collected and will be laid on the Table of the House.

(b) Section 86(7) of the Representation of the People Act. 1961, provides that "Every Election Petition shall be tried as expeditiously as possible and endeavour shall be made to conclude the trial within six months from the date on which the Election Petition is presented to the High Court for trial."

Appointment of retired judges for clearance of pending cases

2084. SHRI NANA DESHMUKH: Will the Ministerof LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether Government arc aware of the news-item titled "Clearing backlog" which appeared in the Hindustan Times dated 15th January, 2000 and would consider the proposal of appointing retired judges and magistrates according to their expertise to clear the backlog in law courts;

(b) if so, by when; and

(c) if not, what are the other ways Government propose to lake in order to clear the long pending cases in the courts especially when the Ministry is headed by a legal luminary?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI RAM JETHMALANI): (a) Government is aware of the news item.

Appointments of Judges in the Supreme Court of India and the High Courts are made in accordance with the provisions of the Constitution and the procedure laid down in this regard. Basically in its sound suggestion and the government is seriously considering it in addition to many other measures.

Appointments in the Subordinate Judiciary are made by the State Governments in consultation with the concerned High Courts.

(b) No time can be fixed but it would be as early as a decision is reached.

(c) Various steps have been taken by the Government for speedy disposal of cases. These include amendment of the Civil Procedure Code and the Code of Criminal Procedure, increase in the number of posts of Judges/Judicial officers, establishment of Special Courts/tribunals and adoption of alternative modes of